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DATE: JAN. 12, 2006

FAX TO: Supervisor Poon Art Unit 3643

FAX: #571-273-8300

FROM: Huey Thomas Crocket
applicant #10-083-771

PAGES INCLUDING COVER PAGE: 6

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Applicant's Response to Supplementary Notice of Allowability

Applicant: Huey Thomas Crochet

Application #: 10,083,771

Title: Dynamic Snag Resistant Fishing Weight

New Examiner: Peter Poon

Art Unit: 3643

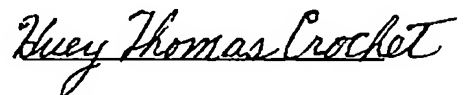
37 CFR 1.8

The applicant points to and relies upon his arguments to the original notice of allowability, regarding Examiner Rowan's amendments, and adds that the record shows that Examiner Rowan has reconsidered once, had two erroneous letters of non-compliance withdrawn, has had to reconsider his rejection of Claim 21 which erroneously instigated a statutory abandonment against the applicant, and has now given the applicant a notice of allowance by making an examiner's amendment that is clearly erroneous and is in direct conflict with MPEP rules.

With regard to concerns of new matter, posed after said amendments by new Examiner Poon, the applicant points to and relies upon his arguments in his reply to the Summary of Interview, also being submitted on this day.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (FAX # 571-273-8300) on this day JAN. 12, 2006.

Huey Thomas Crochet



Applicant's Summary of Interview of
10/25/05 and 11/21/05 – 11/22/05
Regarding: Examiner's Amendments of 10/18/05
Applicant: Huey Thomas Crochet
Application #: 10,083,771
Title of Invention: Dynamic Snag Resistant Fishing Weight
New Examiner: Supervisor Peter Poon
Art Unit: 3643

37CFR 1.8

Applicant's response to Summary of Interview of 10/25 and 11/21
– 11/22 attached to Supplementary Notice of Allowance regarding
examiner's amendments of 10/18/05.

37CFR 1.8

1. There were no exhibits or demonstrations.
2. Claim 22 was discussed briefly regarding the examiner's amendment to said claim which causes confusion as to a definitive placement of the hole, fashioned for line attachment, which resides, in part, with the hemisphere head terminating the short angled portion of the body of the applicant's fishing weight.
The applicant objected.
3. No prior art was discussed.
4. With regard to Examiner Rowan's amendments contained in the applicant's notice of allowance, it is clear that Supervisor Poon supports said amendments as witnessed by his Supplementary Notice of Allowance.

Just as clearly he is stating that the applicant's specification has contained new matter since Jan 31, 03.

In the summary of interview, he is advocating that the applicant make amendments to the amendments.

Firstly, the applicant asks why he was never apprised of said new matter in the past 3 years so that he could correct the specification.

If the applicant made a typical pro-se error and was not apprised of such then he clearly has based all of his arguments on a misconception of his specification.

Examiner Rowan has never argued that the applicant's description of invention contained the new matter stated by Supervisor Poon.

Surely examiner Rowan would have noticed if an entire 1½ pages of new matter suddenly appeared in the applicant's specification.

Examiner Rowan deleted the entirety of the applicant's description of invention.

Excluding what the supervisor states as new matter, the applicant's description of the structure of said invention should have been left intact instead of deleted.

To do otherwise would be deleting the original disclosure.

The applicant reiterates that he was never apprised of the alleged new matter proposed by the supervisor, and contends that the real issues are whether or not the applicant has been accorded a fair and impartial examination.

The examiner has deleted portions of the applicant's specification which are not stated by the supervisor, to contain new matter such as the applicant's corrected drawing and corrected description of said drawing.

The applicant's application, after amendments, is in a condition which lacks a best mode, an enablement, a description of drawing

which supports Claim 22, and a description of embodiment which supports Claim 22.

Because of the structure deleted by the examiner, Claim 22 is claiming structure not found in the specification or description of drawing and the specification contains new matter by omission.

Aside from Examiner Rowan's obviously erroneous amendments, the supervisor is, in effect, saying that after examining the applicant's specification for 11 months and 2 office actions, Examiner Rowan either did not notice that 1 and ½ pages of new matter had been entered into that one portion of the applicant's specification that is the applicant's description of invention, or that the examiner did notice such but made no attempt to inform the applicant that said matter was inappropriate and required correction.

Clearly the MPEP rules show that the examiner's amendments are erroneous and that the applicant again is not being accorded a fair and impartial examination.

Supervisor Poon is on record as supporting Examiner Rowan's amendments.

In view of said support for Examiner Rowan's obviously erroneous amendments, the applicant cannot help but notice that the entire 1 and ½ pages of new matter pointed out by the supervisor is concentrated in the applicant's now entirely deleted description of invention section.

If the supervisor is correct about the presence of new matter then he has clearly pointed out that only a portion of the applicant's description of invention contains said matter.

The record will show that the portion of said description of invention, not pointed out by the supervisor, describes structure that clearly supports Claim 22 but which is missing from the applicant's specification after amendments.

The record will show that if the new matter alleged by the supervisor had been deleted from the specification, the applicant's

description of invention section would still support the applicant's Claim 22 as will the applicant's corrected drawing and corrected description of drawing.

The applicant contends that the examiner was unjustified in his amendments and reiterates that said examiner did not object to said new matter.

Examiner Rowan's amendments had nothing to do with new matter, or the deletion of such from the record, and were recorded well in advance of Supervisor Poon's allegation of said new matter.

In fact the record shows that the applicant has never received a letter of non-compliance regarding his specification or said new matter.

Despite Supervisor Poon's insistence of the interviews, the applicant will not relieve Examiner Rowan of the responsibility for his erroneous amendments by amending said amendments.

The applicant did not make a voluntary substitution of his specification and likewise will not assume responsibility for Examiner Rowan's failure to apprise the applicant of the condition of his application, regarding new matter, for the past three years.

If new matter is present, the applicant can only assume that Examiner Rowan determined that said matter does not deviate significantly from the original disclosure.

5. There were no other discussions of consequence.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (FAX # 571-273-8300) on this day JAN. 6, 2006.

Huey Thomas Crochet

